



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION III  
1650 Arch Street  
Philadelphia, Pennsylvania 19103-2029

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

JAN 21 2016

Ted Henifin, General Manager  
Hampton Roads Sanitation District  
1436 Air Rail Avenue  
Virginia Beach, Virginia 23455

Re: United States and Commonwealth of Virginia v. Hampton Roads Sanitation District  
Civil Action No. 2:09-cv-00481-JBF-TEM

Dear Mr. Henifin:

The objective of Civil Action No. 2:09-cv-00481-JBF-TEM (Consent Decree) is for the Hampton Roads Sanitation District (HRSD) to achieve full compliance with the Clean Water Act, under which unpermitted discharges, including overflows from separate sanitary sewer systems, are prohibited. Paragraph 110 of the Consent Decree requires HRSD to pay stipulated penalties for Sanitary Sewer Discharges (SSDs), as defined in the Consent Decree, in the amounts set forth in that paragraph.

The U.S. Environmental Protection Agency (EPA) has reviewed HRSD's reports of sanitary sewer overflows from its Sanitary Sewer System and overflows from HRSD's sewage treatment plants for the period of time from January 1, 2011 through December 31, 2012.

Based on this review, EPA is hereby assessing stipulated penalties for thirty-one (31) overflows identified in the reports (see Enclosure 1). The thirty-one (31) SSDs include two (2) that were less than 100 gallons, fifteen (15) that were between 100 and 2,499 gallons, four (4) that were between 2,500 and 9,999 gallons, five (5) that were between 10,000 and 99,999 gallons, and five (5) that were between 100,000 and 999,999 gallons.

As such, stipulated penalties that apply for the thirty-one (31) overflows identified in Enclosure 1 are calculated as follows: 2 x \$100, 15 x \$750, 4 x \$1,250, 5 x \$4,700, and 5 x \$10,000 for a total of \$89,950. According to Paragraph 123 of the Consent Decree, one half of this amount is to be paid to the U.S. Department of Justice and one half to the Commonwealth of Virginia. Therefore, please pay \$44,975 to the U.S. Department of Justice and \$44,975 to the Commonwealth of Virginia in the manner specified in Paragraph 127 of the Consent Decree.



Your cooperation in this matter is appreciated. If you have any technical questions regarding this demand, please contact Mark Zolandz, Environmental Scientist, at (215) 814-2319. If you have any legal questions, please contact Deane Bartlett, Senior Assistant Regional Counsel, at (215) 814-2776.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon M. Capacasa". The signature is fluid and cursive, with the first name "Jon" being the most prominent.

Jon M. Capacasa, Director  
Water Protection Division

Enclosure

cc: Nancy Flickinger, DOJ  
Deane Bartlett, EPA  
Kathleen O'Connell, VA DEQ  
Maria Nold, VA DEQ  
Kim Butler, VA DEQ

## Enclosure 1

Date	SSORS ID	Location	Receiving Waters	Quantity (gallons)	Penalty Amount
1/28/2011	2011-T-102950	Elm Avenue & Botetourt Road	James River	200	\$750
2/12/2011	2011-T-102961	1515 Runnymede Road near Shirland Avenue	Lafayette River	200	\$750
2/16/2011	2011-T-102965	2751 Colechester Crescent & Norchester Avenue	Elizabeth River	100	\$750
4/4/2011	2011-T-103016	East Olney Road near 800 Tidewater Drive	Elizabeth River	1,450	\$750
7/6/2011	2012-T-103096	Center Avenue Pump Station 315 Center Avenue	James River	14,260	\$4,700
7/9/2011	2012-T-103116	Center Avenue Pump Station 315 Center Avenue	James River	216,660	\$10,000
7/26/2011	2012-T-103126	S. Lynnhaven Parkway and Dahlia Drive	storm drain to stormwater canals	7,200	\$1,250
8/22/2011	2012-T-103140	Lynnhaven Parkway and Dahlia Drive	stormwater canals	150	\$750
8/30/2011	2012-T-103227	Luxembourg Avenue Pump Station 3030 Luxembourg Avenue	Lafayette River	448,000	\$10,000
9/15/2011	2012-T-103284	1069 George Washington Highway	St. Julian Creek	225	\$750
12/21/2011	2012-T-103327	Ferguson Park Pump Station 227 75th Street	James River	250	\$750
1/19/2012	2012-T-103343	701 Hornsbyville Road	Wormley Creek	4,600	\$1,250
4/19/2012	2012-T-103391	Amphibious Drive & Ferry Road	ground/Little Creek Cove	100	\$750
6/6/2012	2012-T-103409	5000 West Norfolk Road	Elizabeth River	1,185	\$750
8/11/2012	2013-T-103452	Hilton School Pump Station 223 River Road	James River	1,590	\$750
8/11/2012	2013-T-103453	Center Avenue Pump Station 315 Center Avenue	Government Ditch to James River	353,508	\$10,000
8/28/2012	2013-T-103499	Chesapeake Blvd Pump Station 5734 Chesapeake Blvd	Wayne Creek	16,920	\$4,700
8/28/2012	2013-T-103500	Jamestown Crescent Pump Station 858 Jamestown Crescent	Lafayette River	14,850	\$4,700
8/28/2012	2013-T-103501	Hanover Pump Station 900 Hanover Avenue	Lafayette River	595	\$750
9/13/2012	2013-T-103523	Woods approximately 90' north of Route 199 & 840' west of S. Henry Street	College Creek	95,400	\$4,700
10/31/2012	2013-T-103591	1510 1/2 North Shore Road	Lafayette River	75	\$100
10/31/2012	2013-T-103592	Right of Way between Longhill Connector Road & Carlton Court	unnamed tributary to Chisel Run	139,500	\$10,000
11/13/2012	2013-T-103602	41st Street and Killam Avenue	Lafayette River	400	\$750
12/30/2012	2013-T-103630	Robin Hood Road and E. Bonner Drive	Lafayette River	4,500	\$1,250
9/28/2011	NA	VIP STP	Elizabeth River	630,000	\$10,000
2/21/2012	NA	Nansemond STP	ground/storm drain	100	\$750
5/15/2012	NA	York River STP	ground/ Back Creek	11,000	\$4,700
5/25/2012	NA	York River STP	ground/ Back Creek	600	\$750
10/29/2012	NA	Boat Harbor STP	James River	45	\$100
11/29/2012	NA	James River STP	Flax Mill Creek to Warwick River	100	\$750
12/26/2012	NA	Nansemond STP	Streeter Creek	8,900	\$1,250
			<b>Total</b>	<b>1,972,663</b>	<b>\$89,950</b>
			<b>Due EPA</b>		<b>\$44,975</b>